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12 The Kraft Heinz Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 AARON CLARKE and MICHELLE DEVERA,
18 individually and on behalf of all others similarly
situated.

Case No. 3:21-cv-02437-RS

The Honorable Richard Seeborg

**STIPULATION AND ORDER TO SET
BRIEFING SCHEDULE AND CONTINUE
CERTAIN DEADLINES**

Plaintiffs,

V.

THE KRAFT HEINZ COMPANY.

Defendant.

1 WHEREAS:

2 1. Pursuant to a waiver of service, The Kraft Heinz Company's deadline to respond to
3 Plaintiffs' initial Complaint is July 2, 2021;

4 2. Plaintiffs have indicated that they intend to file an amended complaint;

5 3. In light of Plaintiffs' intention to file an amended complaint, the parties agree that Kraft
6 Heinz need not respond to Plaintiffs' initial complaint and that any motion to dismiss or other responsive
7 pleading should be directed at Plaintiffs' amended complaint;

8 4. Kraft Heinz filed a motion to transfer venue of this action to the U.S. District Court for the
9 Northern District of Illinois on June 22, 2021, and Plaintiffs' opposition is currently due on July 6, 2021;

10 5. Plaintiffs have requested, and Kraft Heinz has agreed to provide, an extension of Plaintiffs'
11 deadline to oppose its motion to transfer venue to and including July 16, 2021;

12 6. Kraft Heinz has requested, and Plaintiffs have agreed to provide, an extension of Kraft
13 Heinz's deadline to file a reply in support of its motion to transfer venue to and including July 29, 2021;

14 7. The parties agree that Kraft Heinz's motion to dismiss any amended complaint shall be due
15 21 days following a ruling on Kraft Heinz's pending motion to transfer venue;

16 8. The extensions provided by this Stipulation will not affect any dates set by Court order, and
17 the parties agree that this stipulation is not for the purpose of delay;

18 NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS, subject to Court
19 approval:

20 1. Plaintiffs shall file an amended complaint on or before July 9, 2021;

21 2. Kraft Heinz need not file a response to Plaintiffs' initial complaint;

22 3. Plaintiffs' deadline to oppose Kraft Heinz's pending motion to transfer venue is extended
23 from July 6, 2021 to and including July 16, 2021;

24 4. Kraft Heinz shall file a reply in support of its motion to transfer venue on or before July 29,
25 2021;

26 5. Kraft Heinz's response to any amended complaint shall be due 21 days following this
27 Court's ruling on its pending motion to transfer venue;

1 6. If this Stipulation is approved, Kraft Heinz agrees to withdraw its pending administrative
2 motion to stay (ECF No. 18) as moot.

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4 IT IS SO STIPULATED AND AGREED:

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6 Dated: June 30, 2021

JENNER & BLOCK LLP

7 By: /s/ Alexander M. Smith
8 Alexander M. Smith

9 Attorneys for Defendant
The Kraft Heinz Company

10 Dated: June 30, 2021

BURSOR & FISHER, P.A.¹

11 By: /s/ L. Timothy Fisher
12 L. Timothy Fisher

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14 Attorneys for Plaintiffs
Aaron Clarke & Michelle DeVera

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

18 Dated: June 30, 2021

19 By: 
20 The Honorable Richard Seeborg
United States District Judge

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¹ Pursuant to Civil Local Rule 5-1(i)(3), I, Alexander M. Smith, hereby attest that concurrence in the filing of this document has been obtained from all other signatories hereto.